

Donald K. McLean, AKB #0403006
Robert D. Sykes, AKB #1809074
BAUER MOYNIHAN & JOHNSON LLP
2101 4TH Avenue - 24th Floor
Seattle, WA 98121
Telephone: (206) 443-3400
Facsimile: (206) 448-9076

Attorneys for Petitioners

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

In the Matter of:

IN ADMIRALTY

WILLIAM N. DUSHKIN and
MARILYN J. DUSHKIN, as owners
and operators of the F/V BOBBI DEE
for Exoneration from or Limitation of
Liability

NO.

COMPLAINT FOR EXONERATION
FROM OR LIMITATION OF
LIABILITY

Petitioners.

William N. Dushkin and Marilyn J. Dushkin, as owners and operators of the F/V
BOBBI DEE, allege as follows:

1. William N. Dushkin and Marilyn J. Dushkin file this action for exoneration
from or limitation of liability pursuant to 46 U.S.C. § 30501 *et seq.* at Rule F of the
Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime
Claims.

2. This is a case of admiralty and maritime jurisdiction within 28 U.S.C. §
1331(1). Venue is proper in this District pursuant to SAR F(9).

3. At all times material to this Complaint, petitioners owned and operated the
commercial fishing vessel the F/V BOBBI DEE, O.N. 533344.

4. On or about March 5, 2019, the BOBBI DEE was backing away from its

COMPLAINT FOR EXONERATION FROM
OR LIMITATION OF LIABILITY

Case Number:

Page 1 of 4

1 berth. A mechanical failure in the gearing system prevented the operator from shifting the
2 vessel into forward gear, resulting in an allision with the commercial fishing vessel F/V
3 ALEUT MISTRESS. The BOBBI DEE lies in sound condition in this District. The value
4 of the vessel upon termination of its voyage was no-more than \$255,000. The vessel had
5 no pending freight.

6 5. The ALEUT MISTRESS sustained hull and machinery damage as a result
7 of the allision. Upon information and belief, the ALEUT MISTRESS's underwriters paid
8 \$340,487 for the repair of the vessel.

9 6. The owner of the ALEUT MISTRESS, Northern Seas Fisheries, Inc., has
10 filed suit alleging damages to the vessel and for lost fishing revenue exceeding \$154,000.
11 Crewmembers aboard the ALEUT MISTRESS have potential claims against the BOBBI
12 DEE, as well.

13 7. Altogether, the BOBBI DEE and its owner's fact damages claims
14 exceeding the value of the BOBBI DEE.

15 8. At all material times, Petitioners exercised due diligence to keep the vessel
16 seaworthy in all respects and fit for the service in which she was engaged. Said damages
17 that occurred from the March 5, 2019 allision were not due to any fault, neglect, or want
18 of care on the part of Petitioners.

19 9. If any negligence or fault caused or contributed to any damages, such
20 negligence or fault occurred without the privity or knowledge of Petitioners.

21 10. Petitioners assert a right to exoneration for damages incurred because of
22 the March 5, 2019 allision, or in the alternative, the right to limit its liability to the value
23 of the BOBBI DEE.

24
25 Wherefore, Petitioners pray for the following relief:

26 1. That the Court accept and approve as security for value, pursuant to SAR
COMPLAINT FOR EXONERATION FROM
OR LIMITATION OF LIABILITY
Case Number:
Page 2 of 4

1 F(1), the Letter of Undertaking tendered to the Court.

2 2. That the Court accept and approve the security for costs tendered in the
3 sum of \$1,000, as required under SAR F(1) and LAR f-(1).

4 3. That the Court issue a monition to all persons claiming damages for any
5 loss, damage, destruction, or injury done, occasioned, or incurred by or resulting from the
6 March 5, 2019 incident, directing such persons to file their claims with the clerk of this
7 Court, and to issue by mail to the attorneys for Petitioners a copy thereof on or before the
8 date given.

9 4. That the Court cause to be issued public notice to all persons of such
10 monition according to SAR F(4).

11 5. That the Court issue an injunction against the initiation and further
12 prosecution of any suits, actions, or proceedings of any nature or description whatsoever,
13 except in this proceeding, against Petitioners with respect to any claims arising out of or in
14 connection with the March 5, 2019 incident.

15 6. That the Court permit Petitioners to contest their liability for all loss,
16 damage, injury, or destruction occurring in the March 5, 2019 incident and be adjudged
17 not liable, or if such liability is found, that the Court limit its liability to the extent
18 provided by law.

19 7. That judgment be entered in favor of Petitioners discharging them from
20 further liability for any and all damages relating to the March 5, 2019 incident.

21 8. That Petitioners be granted such further relief as the Court deems equitable
22 under the circumstances.

23 //

24

25 //

26

COMPLAINT FOR EXONERATION FROM
OR LIMITATION OF LIABILITY
Case Number:
Page 3 of 4

ATTORNEYS AT LAW

BAUER
MOYNIHAN
& JOHNSON LLP

2101 FOURTH AVENUE
SUITE 2400
SEATTLE, WA 98121

(206) 443-3400
FAX (206) 448-9076

Dated this 3rd day of June, 2021.

BAUER MOYNIHAN & JOHNSON LLP

/s/Donald K. McLean

Donald K. McLean, AKB #0403006

/s/Robert D. Sykes

Robert D. Sykes, AKB #1809074

2101 4TH Avenue, Ste. 2400

Seattle, WA 98121

Telephone: (206) 443-3400

Facsimile: (206) 448-9076

dkmclean@bmjlaw.com

rsykes@bmjlaw.com

Attorneys for Petitioners

ATTORNEYS AT LAW

BAUER
MOYNIHAN
& JOHNSON LLP

2101 FOURTH AVENUE
SUITE 2400
SEATTLE, WA 98121

(206) 443-3400
FAX (206) 448-9076

COMPLAINT FOR EXONERATION FROM
OR LIMITATION OF LIABILITY

Case Number:

Page 4 of 4